

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BBK TOBACCO & FOODS, LLP,

Plaintiff,

vs.

AIMS GROUP USA CORPORATION, *et. al.*,

Defendants.

Case No.: 2:22-cv-01648-GMN-BNW

SECOND AMENDED¹ ORDER
ADOPTING REPORT AND
RECOMMENDATION

Pending before the Court is the Report and Recommendation (“R&R”), (ECF No. 147), of United States Magistrate Judge Brenda Weksler, which recommends granting BBK’s renewed motions for default judgment and permanent injunction against Defendant AIMS Group USA Corporation. The R&R also recommends granting BBK’s Motion for a finding of joint and several liability and attorney’s fees as to Florida One, Brocone Organic Private Limited, and AIMS Group USA Corporation.

A party may file specific written objections to the findings and recommendations of a United States Magistrate Judge made pursuant to Local Rule IB 1-4. 28 U.S.C. § 636(b)(1)(B); D. Nev. R. IB 3-2. Upon the filing of such objections, the Court must make a *de novo* determination of those portions to which objections are made if the Magistrate Judge’s findings and recommendations concern matters that may not be finally determined by a magistrate judge. D. Nev. R. IB 3-2(b). The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); D. Nev. R. IB 3-2(b). Where a party fails to object, however, the Court is not required to conduct “any

¹ This Order has been revised to include a sentence that was inadvertently omitted in the original Order granting the Renewed Motion for Entry of Default to Address Joint and Several Liability and Other Matters, (ECF No. 134). It has also been revised to include the final paragraph of the Judgment that was inadvertently omitted in the original Order.

1 review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S.
2 140, 149 (1985) (citing 28 U.S.C. § 636(b)(1)). Indeed, the Ninth Circuit has recognized that a
3 district court is not required to review a magistrate judge’s R&R where no objections have been
4 filed. *See, e.g., United States v. Reyna–Tapia*, 328 F.3d 1114, 1122 (9th Cir. 2003).

5 Here, no objections were filed, and the deadline to do so has passed. (*See* R&R, ECF
6 No. 147) (setting a December 9, 2024, deadline for objections).

7 Accordingly,

8 **IT IS HEREBY ORDERED** that the Report and Recommendation, (ECF No. 147), is
9 **ACCEPTED and ADOPTED** in full.

10 **IT IS FURTHER ORDERED** that Plaintiff’s Renewed Motion for Default Judgment
11 as to AIMS Group USA Corporation a/k/a/ AIMS Group USA, Inc., (ECF No. 138), is
12 **GRANTED**.

13 **IT IS FURTHER ORDERED** that AIMS Group USA Corporation a/k/a/ AIMS Group
14 USA, Inc. is found individually liable to Plaintiff BBK Tobacco & Foods, LLP in the amount
15 of \$1,225,566.44 for disgorgement of profits.

16 **IT IS FURTHER ORDERED** that Plaintiff’s Renewed Motion for Permanent
17 Injunction as to AIMS Group USA Corporation a/k/a/ AIMS Group USA, Inc., (ECF No. 140),
18 is **GRANTED** consistent with the Report and Recommendation.

19 **IT IS FURTHER ORDERED** that Plaintiff’s Renewed Motion for Entry of Default to
20 Address Joint and Several Liability and Other Matters, (ECF No. 134), is **GRANTED**.

21 **IT IS FURTHER ORDERED** that Defendant Florida One Wholesale is found
22 individually liable to Plaintiff BBK Tobacco & Foods, LLP for attorney’s fees in the amount of
23 \$10,000.00.

24 **IT IS FURTHER ORDERED** that Defendant Brocone Organic Private Limited is
25 found individually liable to Plaintiff BBK Tobacco & Foods, LLP for attorney’s fees in the

1 amount of \$10,000.00.

2 **IT IS FURTHER ORDERED** that AIMS Group USA Corporation a/k/a/ AIMS Group
3 USA, Inc. is found individually liable to Plaintiff BBK Tobacco & Foods, LLP for attorney's
4 fees in the amount of \$10,000.00.

5 **IT IS FURTHER ORDERED** that the following Judgement, consistent with the above,
6 replace and supersede the Judgment entered by the Clerk of Court on March 18, 2024, against
7 Defendant Florida One Wholesale Inc., (ECF No. 123), and the Judgment entered by the Court
8 on April 5, 2024, against Defendant Brocone Organic Private Limited, (ECF No. 130):

9 **IT IS ORDERED** that Judgment be entered in favor of Plaintiff BBK Tobacco &
10 Foods, LLP against Defendant Florida One Wholesale Inc. in the amount of
11 \$887,181.47 (disgorgement of profits and attorney's fees).

12 **IT IS ORDERED** that Judgment be entered in favor of Plaintiff BBK Tobacco &
13 Foods, LLP against Defendant Brocone Organic Private Limited in the amount of
14 \$915,909.74 (disgorgement of profits and attorney's fees).

15 **IT IS ORDERED** that Judgment be entered in favor of Plaintiff BBK Tobacco &
16 Foods, LLP against AIMS Group USA Corporation in the amount of
17 \$1,235,566.44 (disgorgement of profits and attorney's fees).

18 **IT IS ORDERED** that, in addition to the amounts set forth above, Judgment be
19 entered in favor of Plaintiff BBK Tobacco & Foods, LLP against Defendants
20 Florida One Wholesale Inc., Brocone Organic Private Limited, and AIMS Group
21 USA Corporation a/k/a AIMS Group USA, Inc., jointly and severally in the
22 amount \$5,673,300.00 (corrective advertising damages and statutory damages).

1 **IT IS FURTHER ORDERED** that that the prior Orders Adopting Report and
2 Recommendation, (ECF Nos. 148, 149), are **STIRKEN**.

3
4 Dated this 17 day of December, 2024.

5
6 
7 _____
8 Gloria M. Navarro, District Judge
9 United States District Court
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25